

Message Text

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43

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 PRS-01 L-03 RSR-01 /062 W

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 2571

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E.O.: 11652: N/A

TAGS: ETRN, XT

SUBJ: CIVAIR: ECAC RESOLUTION ON NORTH ATLANTIC FARES AND RATES

REF: STATE 161444

1. VOTE ON NORTH ATLANTIC FARES RESOLUTION OCCURED AT END OF CLOSING PLENARY MEETING OF ECAC TRIENNIAL SESSION JUNE 30, WHEN SOME MEMBER DELS HAD ALREADY LEFT. GREEK DEL HAD LEFT PREVIOUS DAY, FOR EXAMPLE, AND FRG DEL HAD DEPARTED EARLY TO MAKE TRAVEL CONNECTION. RCAA NOTES ON MEETING UNFORTUNATELY DO NOT INDICATE WHICH DELS WERE PRESENT FOR ACTUAL VOTE. DOZ, SECRETARY OF ECAC, IS ALSO UNABLE PROVIDE SUCH INFORMATION SINCE VOTE WAS BY SHOW OF HANDS AND NOT ROLL CALL; HENCE, NO OFFICIAL RECORD EXISTS OF WHICH DELEGATIONS WERE PRESENT AND VOTING.

2. SINCE ALL DELEGATIONS WERE NOT PRESENT AND VOTING, ONE COULD ENDEAVOR ARGUE THAT RESOLUTION WAS "APPROVED" IN PLENARY BY LESS THAN ENTIRE MEMBERSHIP OF ECAC. HOWEVER, FACT THAT LESS THAN EXTIRE MEMBERSHIP OF TWENTY STATES ACTUALLY CAST VOTE IN PLN- NARY DOES NOT, IN OUR VIEW, IN ANY WAY DOMINISH "UNANIMITY" OF ACTION TAKEN. ARTICLE 15 OF ECAC CONSTITUTION PROVIDES THAT EX- CEPT FOR CERTAIN SPECIFIC INSTITUTIONAL QUESTIONS, DECISIONS ARE TAKEN BY A MAJORITY OF VOTES CAST BY MEMBERS PRESENT; AN ABSTENTION IS NOT CONSIDERED A VOTE. SO LONG AS QUORUM EXISTED, WHICH WAS THE CASE, AND SINCE NO DELEGATION VOTED

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AGAINST OR EXPRESSED ANY RESERVATION IN EXPLANATION OF

VOTE (WHETHER IN PERSON OR IN PRIOR STATEMENT LEFT WITH ECAC SECRETARIAT IN CASE OF ABSENT DELEGATIONS, AS WAS DONE FOR CERTAIN OTHER VOTES), AND NO DELEGATION ABSTAINED, RESOLUTION MUST BE CONSIDERED AS "UNANIMOUS" DECISION OF ECAC. IF ANY MEMBER STATE DELEGATION, PRESENT OR NOT FOR THE VOTE, WISHED TO DISSOCIATE ITSELF FROM PLENARY DECISION FOR WHATEVER REASON, THERE WAS AMPLE OPPORTUNITY TO DO SO AND, INDEED, AMPLE PRECEDENCE FOR SUCH COURSE IN ECAC PROCEDURES AND PRACTICES.

3. AS REPORTED IN PARAS 3 AND 4 OF PARIS 18124, DRAFT RESOLUTION HAD BEEN DRAWN UP BY FOURTEEN HEADS OF DELEGATION WHOSE UNANIMOUS VIEWS IT WAS SAID TO REPRESENT. DOZ HAS SINCE INFORMED US THAT A FIFTEENTH MEMBER STATE (ICELAND) HAD ALSO ATTENDED HEADS OF DELEGATION MEETING, BUT ITS REP REFUSED TO TAKE POSITION ON DRAFT RESOLUTION ON GROUNDS HE WAS WITHOUT INSTRUCTIONS. DOZ FURTHER TELLS US THAT TWO MORE DELEGATIONS, WHICH HAD NOT BEEN ABLE TO ATTEND HEADS OF DELEGATION MEETING, INFORMED SECRETARIAT FOLLOWING MORNING THAT THEY TOO SUPPORTED DRAFT RESOLUTION; THESE WERE SPAIN AND SWITZERLAND. DOZ SAID THAT ONLY FOUR DELEGATIONS, FINALLY, DID NOT TAKE POSITION ON DRAFT RESOLUTION: LUXEMBOURG, CYPRUS, ICELAND AND GREECE. FOR REASONS POINTED OUT ABOVE, HOWEVER, DISTINCTION MUST BE MADE BETWEEN APPROVAL OF TEXT BY NOT ALL INDIVIDUAL DELEGATIONS IN DRAFTING STAGE AND ITS UNQUALIFIED FORMAL ADOPTION THEREAFTER BY THE PLENARY CONFERENCE.

DECONTROL FEBRUARY 15, 1974.
STONE

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